IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

WP(C).No. 23036 of 2007(P)

PETITIONER:

FAREESA,
W/O SUNIL KUMAR, CHEERAMVELY VEEDU,
MAKKOKUZHBHAGAM, THALAYOLAPARAMBU,
VADAYAR VILLAGE, VAIKKOM TALUK.

BY ADV. SRI.KKM.SHERIF
SRI.P.M.KUNJIMOIDEENKUTTY
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SMT.SHEENA SAMUEL

RESPONDENTS:

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1. THE SUB INSPECTOR OF POLICE VAIKKOM.

2. MATHEW, S/O CHACKO,
VADAKKEKOLLAMPARAMBU HOUSE,
THALAYOLAPARAMBU, VADAYAR VILLAGE,
VAIKKOM TALUK.

3. MARTIN, S/O MATHEW,
VADAKKEKOLLAMPARAMBU HOUSE,
THALAYOLAPARAMBU, VADAYAR VILLAGE,
VAIKKOM TALUK.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

W.P(C).No.23036 of 2007

Dated this the 4th day of September, 2007

JUDGMENT

The short grievance of the petitioner in this Writ Petition is that no crime has been registered on the basis of Ext.P2 complaint by the respondents. Notice was given to the learned Government Pleader . The learned Government Pleader after taking instructions submits, and a statement to that effect has been filed by the Circle Inspector of Police, Vaikom, that Crime No.471 of 2007 under Sections 457 and 380 I.P.C has been registered on 16.08.07 on the basis of the complaint received from the petitioner. The police official acknowledges that there has been a delay in the registration of the crime. It is submitted that the delay occurred on account of reasons beyond the control of the officials concerned. An unconditional apology is tendered for not registering the crime in time.

2. The reason urged to explain the failure/omission to register a crime promptly is most unsatisfactory. The reasons offered cannot justify such a grievous lapse on the part of the officer concerned. Be that as it may, I am satisfied that the submission made by the learned Government Pleader and the statement filed by the Circle Inspector of Police can be accepted. I accept the submission that a proper, efficient

and expeditious investigation shall now be conducted into Crime No.471 of 2007. No further directions appear to be necessary in this Writ Petition now. The learned counsel for the petitioner also accepts the same. However, I make it clear that the dismissal of this petition will not in any way fetter the rights of the petitioner to approach this Court later, if a proper, efficient and expeditious investigation is not conducted. I expect the Investigating Officer to take necessary action expeditiously.

This Writ Petition is accordingly dismissed with the above observations.

(R.BASANT, JUDGE)

rtr/-